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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,551

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Kirk P. Bumgarner

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CORNING INCORPORATED
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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/27/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,551

Applicant(s)

BUMGARNER ET AL.

Examiner

Evan H. Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-49, 52-55, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 52-55, 57 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon et al (US 6,027,062) in view of Isoard (US 4,206,883).

Bacon discloses an apparatus and method of treading a moving length of optical fiber through a component in an optical fiber draw, optical fiber winding or optical fiber testing process, comprising:

activating an aspirator 82 to obtain the optical fiber at a first location and moving the optical fiber via a positioning device 90, 92 in at least two dimensions to move the optical fiber to a second location to thread the optical fiber through a component in the optical fiber draw process.

Bacon fails to teach the positioning device being an aspirator.

Isoard teaches activating an aspirator 13 mounted on a carriage 17, to obtain the fiber at a first location 3, 4 (position I) and moving the fiber to a second location (position II) to thread the fiber through a component 7, 8 in the fiber draw process (Fig. 3, col. 4 line 58 to col. 5 line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the positioning device of Bacon to include an aspirator to hold the fiber as

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suggested by Isoard, to hold the fiber while transferring and the fiber without causing damage to the fiber.

In regards to claim 39, Bacon as modified by Isoard teaches orienting at least a first 21, second 22, and third pulley 23 (Bacon) so that, when the aspirator 13 (Isoard) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides of the desired fiber (Fig. 3, Bacon), and the method further comprises moving the second pulley 22 across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 40 and 41, Bacon as modified by Isoard teaches the aspirator 13 (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

In regards to claim 42, the second location is near the spool 68.

In regards to claims 43-45, Bacon as modified by Isoard teaches engaging the fiber at a point between the aspirator and the source of fiber, and winding the engaged fiber onto the spool and is engaged by a snagger tooth located on the spool (Fig. 15C, Bacon).

In regards to claim 46-47, Bacon as modified by Isoard teaches moving the fiber into contact with a capstan 11.

In regards to claim 48, Bacon as modified by Isoard teaches orienting at least a first 21, second 22, and third pulley 23 so that, when the aspirator (positioning device) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides

of the desired fiber (Fig. 3), and the method further comprises moving the second pulley 22 across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 49, Bacon as modified by Isoard teaches the aspirator (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

Response to Arguments

Applicant's arguments filed 23 October 2006 have been fully considered but they are not persuasive.

In response to the Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of the disclosure taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this case, Isoard teaches an aspirator to hold the fiber while transferring and the fiber without causing damage to

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the fiber. Bacon discloses the claimed invention but fails to teach the positioning device being an aspirator. The combination substitutes the device used to hold the fiber while transferring. The aspirator as taught by Isoard will cause less damage to the fiber.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ehl



EMMANUEL MARCELO
PRIMARY EXAMINER